

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF WISCONSIN

3 * * * * *

4 ESTATE OF MICHAEL EDWARD BELL, by Special
5 Administrator Michael Martin Bell, KIM MARIE
6 BELL, MICHAEL MARTIN BELL, and SHANTAE BELL,
7 Plaintiffs,

8 vs. Case No. 05-C-1176

9 OFFICER ERICH R. STRAUSBAUGH, OFFICER ERICH S.
10 WEIDNER, LIEUTENANT DAVID H. KRUEGER, OFFICER
11 ALBERT B. GONZALES, KENOSHA POLICE DEPARTMENT,
12 CITY OF KENOSHA,

13 Defendants.

14 * * * * *

15 DEPOSITION OF SHANTAE BELL

16 TAKEN AT: Cannon & Dunphy, SC
17 LOCATED AT: 595 North Barker Road
18 Brookfield, WI

19 March 6, 2006

20 2:24 p.m. to 3:28 p.m.

21 REPORTED BY ANITA K. FOSS
22 REGISTERED PROFESSIONAL REPORTER

23 * * * * *

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1 Q Just do the best you can.

2 A Okay, let's see. I don't know. Mike's
3 screaming, "Get off of me." His arms are
4 moving -- or his legs are moving, his arms are
5 standing still.

6 Q Let me stop you there. Are you sort of
7 thinking out loud --

8 A Yes.

9 Q -- as opposed to trying to answer the
10 question?

11 A Yeah.

12 Q That's fine.

13 A I'm just making a mental note where we're at.
14 Strausbaugh still on his right, Weidner still
15 on his left, Gonzales comes up the driver's
16 side of our driveway.

17 Q Where are Michael's hands?

18 A Behind his back.

19 Q And where is that in relation to Strausbaugh?

20 A Right next to him. I can see my brother's
21 right hand. I can see part of -- I can see my
22 brother's right arm, his right hand, and part
23 of his left. They're here, and I'm here
24 (indicating). So we can see everything, just
25 about.

1 Q What happens next? I think you started to say
2 that some other officer came up?

3 A Gonzales, I guess, was coming up the driveway.
4 But I remember hearing, "He's got my gun," or,
5 "He's going for my gun, he's going for my
6 gun." And at that time, I believe the officer
7 was, like, right there at where -- all three
8 of the officers were -- came up on
9 Strausbaugh's right side.

10 Q This is Gonzales, you're talking about?

11 A Yeah. Gonzales came up on Strausbaugh's right
12 side, which would be right almost in front
13 of -- also by the fender.

14 Q So then there were three officers?

15 A Uh-huh.

16 Q What happened next?

17 A We're screaming, "Please help us, please help
18 us." "He's going for my gun." We are
19 screaming, "No, he doesn't have it. Don't
20 hurt him. Don't kill him. He doesn't have
21 your gun." I heard somebody yell, "Shoot,
22 shoot." You seen the arm go up like this
23 (indicating).

24 Q Who yelled, "Shoot, shoot"?

25 A I don't know. You seen whoever had the gun,

1 which now I found out is Gonzales, his arm go
2 up like this (indicating), and I heard the
3 shot go off. My brother's legs moved, or
4 stopped moving completely. I heard him stop
5 talking. I yell out, "You killed him, you
6 killed him."

7 Q Okay.

8 A Okay.

9 Q Then what happened? Did more officers show
10 up?

11 A Oh, it was like a swarm of, like, bees or
12 attack dogs. Everybody just, like, went over
13 like this. We got escorted, more or less --
14 the officer was screaming at us to get inside
15 the house. I mean, I couldn't even go over by
16 my brother, couldn't even see if he was all
17 right. I mean, when I turned around, all I
18 could see was the blood.

19 Q At the time that you heard the shot, it's your
20 testimony that Weidner was on one side of your
21 brother?

22 A Yes.

23 Q Strausbaugh was on the other?

24 A Yes. Gonzales was right next to Strausbaugh.

25 Q Gonzales came up and fired the shot?